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From: Ed Martin <Ed.Martin@noaa.gov>

To: Dave Dickerson/R1/USEPA/US@EPA; ElaineT Stanley/R1/USEPA/US@EPA; Jeanethe Falvey/R1/USEPA/US@EPA; Doug Gutro/R1/USEPA/US@EPA; Larry Brill/R1/USEPA/US@EPA; Cynthia Catri/R1/USEPA/US@EPA; David Peterson/R1/USEPA/US@EPA; ManChak Ng/R1/USEPA/US@EPA; "paul.craffey@state.ma.us" <paul.craffey@state.ma.us>; "joseph.coyne@state.ma.us" <joseph.coyne@state.ma.us>

Copy To: Finkelstein.Ken@mintra.epa.gov; "matt.wingate@noaa.gov" <matt.wingate@noaa.gov>; "Robert.Heeley@noaa.gov" <Robert.Heeley@noaa.gov>; "steve.soherr@noaa.gov" <steve.soherr@noaa.gov>

Delivered Date: 10/09/2009 05:48 PM EDT

Subject: Re: Fw: sediment cap information for NOAA charts - NB Harbor

Dave,

OCS does not have the authority to chart a No-Anchoring Area without authorization from the USCG, especially within an area that the USCG has officially designated as an anchorage in the CFR.

We suggest you contact the Commander, 1st USCG District and ask them to designate a "No-Anchoring Area" at this location.

Upon approval from the USCG we will make the application to the nautical chart.

Regards and have a great weekend.

Ed
Ed Martin
Chief, Customer Affairs Branch
1315 East West Hwy
Silver Spring, MD 20910
Cell 202-329-4285

----- Original Message -----

From: dickerson.dave@epamail.epa.gov <dickerson.dave@epamail.epa.gov>
To: Ed Martin <Ed.Martin@noaa.gov>; stanley.elainet@epamail.epa.gov <stanley.elainet@epamail.epa.gov>; Falvey.Jeanethe@epamail.epa.gov <Falvey.Jeanethe@epamail.epa.gov>; Gutro.Doug@epamail.epa.gov <Gutro.Doug@epamail.epa.gov>; Brill.Larry@epamail.epa.gov <Brill.Larry@epamail.epa.gov>; Catri.Cynthia@epamail.epa.gov <Catri.Cynthia@epamail.epa.gov>; Peterson.David@epamail.epa.gov <Peterson.David@epamail.epa.gov>; Ng.ManChak@epamail.epa.gov <Ng.ManChak@epamail.epa.gov>; paul.craffey@state.ma.us <paul.craffey@state.ma.us>; joseph.coyne@state.ma.us <joseph.coyne@state.ma.us>
Cc: Finkelstein.Ken@epamail.epa.gov <Finkelstein.Ken@epamail.epa.gov>; Matt Wingate <matt.wingate@noaa.gov>; Robert Heeley <Robert.Heeley@noaa.gov>; Steve Soherr <Steve.Soherr@noaa.gov>

Sent: Fri Oct 09 15:18:59 2009

Subject: Re: Fw: sediment cap information for NOAA charts - NB Harbor

Ed - thank you for getting back to me so promptly. To answer your questions:

- the cap was placed under authority of the federal Superfund statute (CERCLA)

- EPA and, in the long term, the MassDEP will have authority for maintenance of the site

- the cap has made the water depths shallower, we will forward the latest bathymetry shortly

- the cap is intended to stay in place in perpetuity (not a dispersal mound)

- additional capping of abutting uncapped areas (not within the footprint of the area already capped) is anticipated in the future.

I look forward to hearing from you, hopefully as you say next week. Please let me know if you have any other questions.

Dave Dickerson

Ed Martin

<Ed.Martin@noaa.gov>

To

Dave Dickerson/R1/USEPA/US@EPA

10/09/2009 02:56

cc

PM Finkelstein.Ken@mintra.epa.gov,

Steve Soherr

<Steve.Soherr@noaa.gov>, Robert

Heeley <Robert.Heeley@noaa.gov>,

Matt Wingate

<matt.wingate@noaa.gov>

Subject

Re: Fw: sediment cap information
for NOAA charts - NB Harbor

Mr. Dickerson,

After looking at your information I passed it along to our Plans and Standards people for their input.

The fact that the graphic depicts the cap site mostly contained inside an already charted General Anchorage has us a bit concerned. Who has authority over establishing and enforcing the site? Is the site codified in the Federal Register, Code of Federal Regulations or someplace else? Which title and section? If not, what authority was used to create the site?

We'll need from you the actual coordinates that define the site and any hydrographic surveys after dumping (capping) was completed. Has the implementation of this site impacted the depths currently charted? How high off the natural bottom has material been mounded? Is it designed to disperse with time? Is there something like an authorized minimum depth? Will additional dumping take place or is it sealed forever?

I hope to be able to tell you if we can chart the area to be off limits for anchoring next week.

Regards,
Ed Martin

dickerson.dave@epamail.epa.gov wrote:

> Hello Mr. Martin - I'm forwarding this to you in accordance with an
> automatic email I received from Matt Wingate saying he is in training
> the rest of the month. We're trying to get the information on the
> attached pdf to be incorporated on the nautical charts for New Bedford
> harbor (an area of contaminated sediment south of the hurricane
barrier
> was capped with clean sand as part of the Superfund PCB cleanup, and
we
> wish the area to be off limits for anchoring). Please give me a call
if
> you need further information.
>
> Thanks - Dave Dickerson
>
> Co Project Manager
> New Bedford Harbor Superfund Site
> 617 918 1329
>
> ----- Forwarded by Dave Dickerson/R1/USEPA/US on 10/09/2009 11:40 AM
> -----
>

> Dave

> Dickerson/R1/USE

> PA/US
To
>
matt.wingate@noaa.gov, Ken

> 10/09/2009 11:38 Finkelstein/R1/USEPA/US

> AM
cc
> Cynthia Catri/R1/USEPA/US@EPA,
> David Peterson/R1/USEPA/US@EPA,
> ManChak Ng/R1/USEPA/US@EPA,
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> Stanley/R1/USEPA/US@EPA,

> kristin.decas@ci.new-bedford.ma.u
> s, cmyers@apexc.com

> Subject
> sediment cap information for
NOAA
> charts - NB Harbor

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> Hello Matt - here is a pdf of the contaminated sediment cap area
near
> the New Bedford hurricane barrier that we discussed last month.
Please
> let me know if you need any other information.
>
> I'd also be interested to hear when the electronic version of the
> navigational chart is updated, and if there's any idea when the paper
> version would be reprinted.

>
> Dave,
>
> Enclosed please find the NOAA chart with only the OU-3 area no
anchoring
> zone shown.
>
> Thanks,
>
> Chet Myers, PE, LSP
> Apex Companies, LLC
> 184 High Street, Suite 502
> Boston, MA 02110
> O: 617-728-0070 X-113
> F: 617-728-0080
> C: 617-908-5778
>
> (See attached file: 13232_NOAA_NBH_Pg8_ OU#3 Area_hatched_10.7.09.pdf)
(See attached file: Ed_Martin.vcf)